

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 274

HOUSE BILL 2455

AN ACT

AMENDING SECTIONS 33-1476.01 AND 41-2168, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3002.22, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3012.01; RELATING TO THE DEPARTMENT OF BUILDING AND FIRE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1476.01, Arizona Revised Statutes, is amended
3 to read:

4 33-1476.01. Change in use; notices; compensation for moving
5 expenses; payments by the landlord

6 A. The landlord shall notify the director and all tenants in writing
7 of a change in use at least one hundred eighty days before the change in use.
8 The landlord may not increase rent within ninety days before giving notice
9 of a change in use.

10 B. The landlord shall inform all tenants in writing about the mobile
11 home relocation fund established in section 33-1476.02.

12 C. If a tenant is required to move due to a change in use, the tenant
13 is entitled to payment from the mobile home relocation fund for the lesser
14 of the actual moving expenses of relocating the mobile home to a new location
15 within a fifty mile radius of the vacated park or an amount of five thousand
16 dollars for a single section mobile home and ten thousand dollars for a
17 multisection mobile home. Moving expenses include the cost of taking down,
18 moving and setting up the mobile home in the new location.

19 D. Except as provided in subsection F of this section, if there is a
20 change in use the landlord shall pay five hundred dollars for each single
21 section mobile home and eight hundred dollars for each multisection mobile
22 home relocated to the fund for each tenant filing for relocation assistance
23 with the director.

24 E. If a change in use occurs before the time stated in the statements
25 of policy and the landlord does not comply with subsection A of this section
26 and with section 33-1436 and section 33-1476, subsection H, the landlord
27 shall pay to the fund in addition to the monies prescribed in subsection D
28 of this section:

29 1. Five hundred dollars for each mobile home space occupied by a
30 single section mobile home.

31 2. Eight hundred dollars for each mobile home space occupied by a
32 multisection mobile home.

33 F. The landlord is not required to make the payments prescribed in
34 subsections D and E of this section for moving mobile homes owned by the
35 landlord or for moving a mobile home under a contract with the tenant if the
36 tenant does not file for relocation assistance with the director.

37 G. If a change in use occurs within two hundred seventy days of
38 relocations under section 33-1476.04, the landlord shall pay to the fund in
39 addition to the monies prescribed in subsection D of this section:

40 1. Five hundred dollars for each mobile home space occupied by a
41 single section mobile home.

42 2. Eight hundred dollars for each mobile home space occupied by a
43 multisection mobile home.

1 H. The tenant shall submit a contract for relocation of a mobile home
2 for approval to the director ~~at least fifteen days before~~ WITHIN SIXTY DAYS
3 AFTER the relocation to be eligible for payment of relocation expenses. The
4 director must approve or disapprove the contract within fifteen days after
5 receipt of the contract, or the contract is deemed to be approved. The
6 payment of expenses shall be made ~~before or at the time of relocation~~ as
7 provided in the rules adopted by the director. If the contract is not
8 approved, the tenant may appeal to the hearing officer.

9 I. If this state or a political subdivision of this state exercises
10 eminent domain and the mobile home park is sold or a sale is made to this
11 state or a political subdivision of this state that intends to exercise
12 eminent domain, the state or political subdivision is responsible for the
13 relocation costs of the tenants.

14 J. If a tenant is vacating the premises and has informed the landlord
15 or manager before the change in use notice has been given, the tenant is not
16 eligible for compensation under this section.

17 K. A person who purchases a mobile home already situated in a park or
18 moves a mobile home into a park in which a change in use notice has been
19 given is not eligible for compensation under this section.

20 L. This section does not apply to a change in use if the landlord
21 moves a tenant to another space in the mobile home park at the landlord's
22 expense.

23 M. If a tenancy is terminated due to a redevelopment of the mobile
24 home park, the tenant may do either of the following:

25 (a) 1. Collect payment from the mobile home relocation fund as
26 described in this section.

27 (b) 2. Abandon the mobile home in the mobile home park and collect
28 an amount equal to one-fourth of the maximum allowable moving expenses for
29 the mobile home from the mobile home relocation fund. If the tenant chooses
30 this option, the landlord is not required to make the payments prescribed in
31 subsection D of this section. To be eligible, the tenant shall deliver to
32 the landlord the current title to the mobile home duly endorsed by the owner
33 of record and notarized together with valid releases of all liens shown on
34 the title. A copy of these documents shall be delivered to the department
35 of building and fire safety to support the application for payment.

36 Sec. 2. Section 41-2168, Arizona Revised Statutes, is amended to read:
37 41-2168. Fire protection systems; definitions

38 A. All backflow prevention equipment installed on class 1 and class
39 2 fire protection systems shall comply with state fire code standards.

40 B. Check valve assemblies installed on class 1 or class 2 fire
41 protection systems as backflow protection equipment pursuant to this section
42 shall be inspected and maintained in accordance with the procedures
43 identified in the national fire protection association publication 25 for
44 water based fire protection systems, 1992 edition, to determine compliance
45 with the minimum design standards established by the state fire

1 code. Inspections of check valve assemblies installed on class 1 or class
2 2 fire protection systems shall be performed on an annual basis with records
3 of the inspections provided to the local fire department and drinking water
4 provider.

5 C. Any malfunction or abnormality with a check valve assembly
6 installed on class 1 or class 2 fire protection systems shall be reported
7 within twenty-four hours to the local fire department and drinking water
8 provider.

9 D. A fire code authority may establish guidelines for the installation
10 of backflow prevention equipment on a class 1 or class 2 fire protection
11 system that exceeds the minimum standards established by the state fire code
12 if the backflow prevention equipment is approved for use on class 1 or class
13 2 fire protection systems pursuant to section 1.102 of the uniform fire code,
14 1988 edition.

15 E. A fire code authority and OR a drinking water provider may require
16 the installation of backflow prevention equipment on class 1 and class 2 fire
17 protection systems that exceeds the minimum standards established by the
18 state fire code if a special backflow condition is identified. The use of
19 nonpotable pipe in a fire protection system does not by itself constitute a
20 special backflow condition. THE DRINKING WATER PROVIDER SHALL CONSULT WITH
21 THE FIRE CODE AUTHORITY AND PROVIDE THE FIRE CODE AUTHORITY WITH AN
22 OPPORTUNITY TO COMMENT BEFORE INSTALLING OR REQUIRING THE INSTALLATION OF
23 BACKFLOW EQUIPMENT THAT EXCEEDS THE MINIMUM STANDARDS ESTABLISHED BY THE
24 STATE FIRE CODE.

25 F. For purposes of this section:

26 1. "Class 1 fire protection system" means a fire protection system
27 that is directly connected to a public water main and all sprinkler drains
28 on the fire protection system discharge into the atmosphere, dry wells or
29 other safe outlets. Class 1 fire protection system does not include a system
30 that has a connection with pumps, tanks, reservoirs or other water supplies,
31 or a system that contains antifreeze or other additives.

32 2. "Class 2 fire protection system" means a class 1 fire protection
33 system with booster pumps installed in the connections from the street mains.

34 3. "Fire code authority" means the state fire marshal or the state
35 fire marshal's designee, except that for an incorporated city or town with
36 a population of at least one hundred thousand persons according to the most
37 recent United States decennial census that has adopted an ordinance pursuant
38 to section 41-2163, subsection A, fire code authority means the municipal
39 fire chief or the fire chief's designee.

40 4. "Special backflow condition" means a condition that exists at the
41 site of a class 1 or class 2 fire protection system and that may present a
42 contamination hazard to the domestic water supply, including:

43 (a) Underground fire protection system lines that are parallel to and
44 within six feet horizontally of sewer lines or other lines carrying toxic
45 materials.

1 (b) The use, storage or handling of materials on a site by a property
2 owner or occupant that could present a significant health hazard to the
3 domestic water supply.

4 (c) The presence of unusually complex piping systems.

5 (d) Water supplied to a site or an area from either:

6 (i) Two or more services of a water utility.

7 (ii) Two different water utilities.

8 (iii) A supplemental water supply.

9 Sec. 3. Repeal

10 Section 41-3002.22, Arizona Revised Statutes, is repealed.

11 Sec. 4. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
12 amended by adding section 41-3012.01, to read:

13 41-3012.01. Department of building and fire safety; termination
14 July 1, 2012

15 A. THE DEPARTMENT OF BUILDING AND FIRE SAFETY TERMINATES ON JULY 1,
16 2012.

17 B. TITLE 41, CHAPTER 16 IS REPEALED ON JANUARY 1, 2013.

18 Sec. 5. Purpose

19 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
20 the legislature continues the department of building and fire safety to
21 further the public interest of safety and welfare by maintaining and
22 enforcing standards of quality and safety for manufactured homes, mobile
23 homes, factory-built buildings and recreational vehicles and by reducing
24 hazards to life and property through the maintenance and enforcement of the
25 state fire code. It is also the purpose of the department of building and
26 fire safety to establish a procedure to protect the consumer of these
27 products and services.

28 Sec. 6. Retroactivity

29 Sections 3 and 4 of this act are effective retroactively to July 1,
30 2002.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House April 9, 2002,

by the following vote: 45 Ayes,

9 Nays, 6 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

Passed the Senate May 2, 2002

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Randall Snart
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2455

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 53 Ayes,

5 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 3:00 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 16th day of

May, 2002,

at 10:09 o'clock A M.

[Signature]
Governor of Arizona

H.B. 2455

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2002,

at 12:13 o'clock P. M.

[Signature]
Secretary of State